



Association of European Airlines

The Document Management System
FAA Docket Number FAA-2002-14081
US Department of Transportation
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24th February, 2003

Dear Sir,

**SUBJECT: FAA NPRM ON TRANSPONDER CONTINUOUS OPERATION
(DOCKET No FAA-2002-14081; NPRM No 03-02)**

The AEA is a trade organisation representing the major European scheduled airlines. Currently, 21 (out of 30) AEA members fly from Europe to/from the USA.

Following the tragic events of 9.11 and as part of their commitment towards safety/security, the AEA members have been making heavy investments to increase security, both on-board the aircraft as well as on the ground. Those investments have resulted in increased security levels above the already high levels which existed in Europe before 9.11, and are aimed at avoiding a repeat of the 9.11 scenario.

However, the AEA seriously questions the FAA's proposals with regard to continuous transponder operations and consequently, would be strongly opposed to extending the FAA rule to Part 129 operators for the following reasons:

- *Lack of security benefit due to the changed environment.* After 9.11, airlines have been making heavy investments to retrofit aircraft with phases 1 & 2 cockpit doors with the aim of avoiding access to the cockpit by terrorists. As a consequence, the benefit of such a continuous operating transponder can be seriously questioned, since the aim of phase 2 doors is to avoid a repeat of the 9.11 scenario. A revised cost/benefit analysis should take into account the investments made in phases 1 and 2 cockpit doors;
- *Human Factor issue:* The European Flight Crew is heavily against such a requirement. It is doubtful whether any flight crew would activate the hijack signal, knowing that this could result in his aircraft being shot down;
- *Negative Flight Safety Impacts:* the aspects of false alarms and aircraft being shot down inadvertently, have not been properly addressed by the FAA;
- *Incompatibility with international requirements:* there is no such ICAO requirement. The lack of harmonization at international level could create further negative flight safety impact, in particular, for international operating airlines and flight crews.

Adria Airways, Aer Lingus, Air France, Air Malta, Alitalia, Austrian Airlines, British Airways, BMI British Midland, Cargolux, Croatia Airlines, CSA, Cyprus Airways, Finnair, Iberia, Icelandair, JAT, KLM, LOT, Lufthansa, Luxair, Malev, Meridiana, Olympic Airways, SAS, SN Brussels Airlines, Spanair, SWISS, TAP Air Portugal, Tarom, Turkish Airlines.

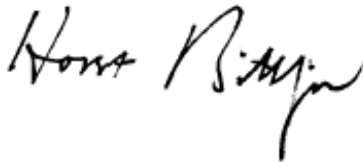
In the aftermath of 9.11, this issue of continuous operating transponders was also discussed in Europe (through ECAC and Eurocontrol). However, it was concluded by both ECAC and Eurocontrol that such a requirement would be non-beneficial as regards increasing security. The AEA fully agrees with the ECAC/Eurocontrol conclusion on this matter of improved air/ground communication and civil/military coordination, particularly:

- that processes should be established to optimise the sharing of civil Air Traffic Control (ATC) and military (ATC/Air Defense) radar information;
- that a European regional focal point for air traffic management information, involving civil and military interests, be created within Eurocontrol;
- that both civil and military ATC procedures and ATC training relating to hijack and other emergency situations, be reviewed and harmonized.

Consequently, the AEA is opposed to extending the proposed FAA rule to Part 129 operators.

With kind regards and thank you for your understanding of the issues raised above.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Horst Bittlinger', with a stylized, cursive script.

Dr. Horst Bittlinger
General Manager Technical and Operations